

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : APPLICATION FOR
: ORDER PURSUANT TO
: 28 U.S.C. § 2044
-v.- :
SCOTT HUGHES, : 20 Cr. 398 (GBD)
: Defendant.
: ----- X -----

**GOVERNMENT'S APPLICATION FOR AN ORDER REGARDING
PAYMENT OF PENALTY WITH BAIL MONEY
28 U.S.C. § 2044**

The United States of America, through its counsel, hereby moves for an order directing the Clerk of the Court to remit to the United States Attorney's Office any and all monies deposited by or on behalf of SCOTT HUGHES (the "Defendant") with the Court for bond purposes. In support of its motion, the Government says the following:

On or about August 19, 2020, the Honorable George B. Daniels, United States District Judge in the Southern District of New York, ordered the Defendant to be held on a \$2,500,000 bond secured by one financially responsible person and further secured by \$250,000 cash deposited with the court, among other things.

On or about August 21, 2020, the Defendant personally posted \$250,000 cash bail (the "Bail Funds") toward the \$2,500,000 court-ordered bond with the Clerk of Court (receipt number NYSDC21-465401268958).

On or about January 4, 2021, the Court exonerated \$100,000 of the Bail Funds to the Defendant, leaving \$150,000 in United States currency on deposit with the Clerk of the Court to secure the bond (the "Remaining Bail Funds") (D.E. 70).

On or about March 1, 2023, the Defendant pled guilty to Count Three of the Superseding Indictment, No. 20 Cr. 398 (GBD).

On or about March 2, 2023, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, imposing a money judgment in the amount of \$18,147,122 in United States currency (the “Money Judgment”) against the Defendant, representing property involved in the commission of the offense charged in Count Three of the Indictment, and certain specific property (the “Specific Property”).

On or about October 3, 2024, the Defendant was sentenced to 18 months incarceration, to be followed by a three-year term of supervised release.

On or about June 28, 2024, the Court entered a Preliminary Order of Forfeiture as to Substitute Assets, forfeiting funds on deposit in two Bank of America accounts held in the name of the Defendant (the “Substitute Assets”).

To date, the Money Judgment remains unpaid.¹

Title 28, United States Code, Section 2044 provides in pertinent part:

On motion of the United States attorney, the court shall order any money belonging to and deposited by or on behalf of the defendant with the court for the purposes of a criminal appearance bail bond (trial or appeal) to be held and paid over to the United States attorney to be applied to the payment of any . . . penalty imposed upon the defendant. . . This section shall not apply to any third party surety.

WHEREFORE, pursuant to Title 28, United States Code, Section 2044, the United States respectfully moves this court to issue the proposed order submitted with this application, authorizing the

¹ A final order of forfeiture has not been entered with respect to the Specific Property or the Substitute Assets, and therefore the Specific Property and the Substitute Assets have not yet been applied to reduce the Money Judgment. However, the estimated value of the Specific Property and the value of the Substitute Assets is collectively far below the outstanding Money Judgment.

Clerk of the Court to remit the Remaining Bail Funds to the United States Attorney's Office so that said amount may be applied towards the Defendant's outstanding Money Judgment.

Dated: New York, New York
October 9, 2024

Respectfully submitted,

Damian Williams
United States Attorney for the
Southern District of New York

By: /s/
Cecilia Vogel
Assistant United States Attorney
(212) 637-1084

cc: Michael Hueston, Esq. and Gilbert S. Bayonne, Esq. (via ECF)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

: - v. -

SCOTT HUGHES, :

: Defendant.

ORDER

20 Cr. 398 (GBD)

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WHEREAS, on or about August 19, 2020, the Honorable Judge George B. Daniels, United States District Judge in the Southern District of New York, ordered SCOTT HUGHES (the “Defendant”) to be held on a \$2,500,000 bond secured by one financially responsible person and further secured by \$250,000 in cash deposited with the court;

WHEREAS, on or about August 21, 2020, the Defendant personally posted \$250,000 cash bail (the “Bail Funds”) toward the \$2,500,000 court-ordered bond with the Clerk of Court (receipt number NYSDC21-465401268958);

WHEREAS, on or about January 4, 2021, the Court exonerated \$100,000 of the Bail Funds to the Defendant, leaving \$150,000 in United States currency on deposit with the Clerk of the Court to secure the bond (the “Remaining Bail Funds”) (D.E. 70);

WHEREAS, on or about March 1, 2023, the Defendant pled guilty to Count Three of the Superseding Indictment, 20 Cr. 398 (GBD);

WHEREAS, on or about March 2, 2023, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, forfeiting the defendant’s right, title and interests in certain specific property (the “Specific Property”) and imposing a money

judgment in the amount of \$18,147,122 in United States currency (the “Money Judgment”) against the Defendant;

WHEREAS, on or about October 3, 2024, the Defendant was sentenced to 18 months incarceration, to be followed by a three-year term of supervised release;

WHEREAS, on or about June 28, 2024, the Court entered a Preliminary Order of Forfeiture as to Substitute Assets, forfeiting funds on deposit in two Bank of America accounts held in the name of the Defendant (the “Substitute Assets”);

WHEREAS, to date, the entirety of the Money Judgment entered against the Defendant remains unpaid;

WHEREAS the estimated value of the Specific Property and the value of the Substitute Assets is collectively far below the outstanding Money Judgment; and

WHEREAS, on or about October 9, 2024, the Government moved pursuant to Title 28, United States Code, Section 2044, that the Remaining Bail Funds be applied toward the payment of the Defendant’s Money Judgment;

IT IS HEREBY ORDERED that:

1. In accordance with Title 28, United States Code, Section 2044, the Clerk of the Court shall pay the Remaining Bail Funds, less the Clerk’s fees, if any, to the United States in the form of a check payable to the U.S. Department of Treasury which shall reference the Defendant’s name and case number, and be delivered to the Illicit Finance and Money Laundering Unit, United States Attorney’s Office, 26 Federal Plaza, New York, NY 10278.

2. Upon execution of this Order, and pursuant to 21 U.S.C. § 853, the United States Department of Treasury shall be authorized to deposit the Remaining Bail Funds, as a

payment on the Money Judgment, in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited proper.

SO ORDERED:

George B. Daniels
HONORABLE GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE

MAY 08 2025

DATE